

comprises sheet rock.

### REMARKS

Reconsideration and allowance of the present application in view of the foregoing amendments and following remarks are respectfully requested.

Currently, independent claims 42, 52, 61 and 64 remain pending in the present application. The claims are directed to a fire assembly and to a method for installing a fire assembly. As now drafted, claims 42, 52 and 64 all require the fire assembly to include a fire-resistant housing that surrounds a recessed light fixture. Further, these claims all require the housing and the light fixture (and a support structure as defined in claims 52 and 64) to form a "preassembled integral unit" adapted for installation behind a surface opening defined by a surface of an adjacent structure.

The only reference cited in the Office Action, U.S. Patent No. 6,105,334 to Monson, et al., on the other hand, fails to disclose or suggest the formation of a preassembled integral unit made from a housing and a recessed light fixture as defined in the present claims. Instead, Monson, et al. teaches a lighting enclosure 10 that is covered on the interior surfaces by a material which is intended to prevent the propagation of fire. According to Monson, et al., the light enclosure 10 is first mounted between spaced apart building joists. A fire-resistant material is applied to the inside surface of the lighting enclosure either prior to or after the enclosure has been mounted between the joists. After the light enclosure has been properly installed, then a lighting fixture 20 is emplaced therein and secured in a conventional manner. (e.g. see column 2, lines 47 through 67 and column 5, lines 10 through 30). Consequently, Monson, et al. teaches away from a preassembled integral unit as defined in the present claims.

As such, Monson, et al. also fails to appreciate many of the benefits and advantages of the present invention. For example, as stated in the specification, one of the problems solved by the current inventors is to reduce the amount of labor involved in installing recessed light fixtures while still maintaining fire safety standards. As stated on page 8 of the specification, the fire assembly of the present invention is an integral structure that can be installed as a single unit. Thus, installation of fire assemblies made in accordance with the present invention is a one step process.

Monson, et al., however, does not overcome the problems solved by the present inventors that are discussed in the background section of the present application. In particular, Monson, et al. discloses a housing that is not preassembled with a light fixture. Thus, a two step process is required for installing the recessed light fixtures disclosed therein. Specifically, Monson, et al. teaches first installing the housing between spaced apart building joists. Once the housing is installed, Monson, et al. then teaches installing the light fixture. In view of these differences, it is believed that claims 42, 52, and 64 as now drafted patentably define over Monson, et al.

The remaining independent claim, claim 61, is directed to a fire assembly that includes a support structure attached to a fire-resistant housing. The support structure is adapted to be attached to a light fixture. Claim 61 requires the fire-resistant housing to be positioned only adjacent the exterior surface of the support structure. As stated in the specification, one important feature of the present invention is that the fire assembly form a continuous surface with the surface of an adjacent structure for providing maximum fire resistant protection. It is believed that by placing the fire-resistant housing on the outside of the support structure as shown in the figures, it is much easier

to form a continuous surface with an adjacent surface into which the assembly is installed.

Monson, et al., on the other hand, teaches a lighting enclosure wherein at least the interior wall surfaces of the housing are coated with a fire-resistant material. As such, it is believed that claim 61 also defines over Monson, et al.

Besides the above features, it is also believed that various other features defined in claims remain absent from Monson, et al. For instance, claims 46, 47, 56 and 66 all require the fire-resistant housing to be made from a drywall material, while claims 48, 49, 57, 60, 62, and 67 require the drywall material to specifically be sheet rock.

Monson, et al., on the other hand, does not teach or disclose using a drywall material as the fire-resistant material used to coat the interior surface of the lighting enclosure. Instead, Monson, et al. teaches using (1) cementitious fire proofing materials which are "inorganic materials that are supplied as a powder which is mixed with water and sprayed on surfaces" (column 4, lines 38 through 40) and (2) intumescent fire proofing materials which remain "inactive until subjected levels of heat upon which time the material expands" (column 4, lines 54 through 56). Since Monson, et al. fails to disclose or suggest the use of a drywall material in the lighting enclosure disclosed therein, it is believed that the above claims also patentably define over the cited reference.

In the Office Action, the drawings and the title were also objected to. In response, Figure 3 and the title have been amended.

In summary, it is respectfully submitted that the present application is in complete condition for allowance and favorable action therefore, is respectfully requested.

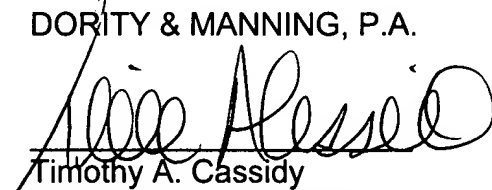
Should any issues remain after consideration of this response, however, Examiner

Delgizzi is encouraged and invited to telephone the undersigned at his convenience.

Please charge any additional fees required by this Amendment to Deposit  
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Respectfully requested,

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